

Patrick KY
Executive Director

Sebastian Kvist

Cologne,

Sent by email only:
ask+request-11427-2c2ea4c5@asktheeu.org

Subject: Your confirmatory application for access to documents
Reference: Your query of 24 June 2022 submitted via the AsktheEU portal
Attachment: List of points of contact

Dear Mr Kvist,

Thank you for your abovementioned query, in which you request the European Union Aviation Safety Agency (EASA) to reconsider its decision of 24 June 2022 informing you that EASA does not hold documents regarding *“Unidentified Flying Objects, Unidentified Aerial Phenomena and Unknown Airborne Objects.”*

In your submission of 24 June 2022, you make reference to Regulation (EU) No 376/2014¹ and the occurrence database managed by EASA as well as explain that *“the Unknown Airborne Object category exists in ECCAIRS”*. Additionally, you refer to EASA Annual Safety Reviews (ASR), and in particular that of 2014 which contains a chart including Unauthorized Airspace Penetration (UAP) incidents.

From this clarification we understand that actually you would like to have access to occurrence data stored in the European Central Repository (ECR). Please note that the ECR is established under Regulation (EU) 376/2014 and the data and information therein is subject to special access rules other than those of Regulation (EC) 1049/2001² (cf. Art. 20 of Regulation (EU) 376/2014).

In particular, articles 10 and 11 of Regulation (EU) 376/2014 provide full details of the rules for handling of requests for information concerning data collected through occurrence reporting. Requests for access shall be addressed to the appropriate point of contact (PoC) of the Member State in which the requester is established, or, in case of requests coming from outside the EU, to the European Commission. EASA is not designated to act as access point for such requests. Therefore, we invite you to contact the PoC of the Member State of your residence to obtain further information on the access procedure (see list of PoC annexed to this letter).

¹ Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007 (OJ L 122, 24.4.2014, p. 18-43)

²



With regard to your reference to the chart in ASR 2014, we would like to clarify that the Air Traffic Management (ATM) chapter was prepared by Eurocontrol at that time. The data used in the subject Figure 42 was collected via the Eurocontrol Annual Summary Template (AST) mechanism, that was different to the occurrence reporting in the ECR. In that mechanism air navigation service providers were requested to report their numbers, not the actual occurrence records, to Eurocontrol. Consequently, EASA does not hold any document related to the UAP occurrences indicated in Figure 42.

Against this background, we confirm our previous decision that EASA does not hold documents falling under your request which are subject to Regulation (EC) 1049/2001.

Means of redress

If you wish to appeal against this decision, the legal remedies open to you are either to lodge a complaint with the European Ombudsman or to institute court proceedings against EASA, under Article 228 or 263 of the Treaty on the Functioning of the EU (TFEU), respectively.

Yours sincerely,



Patrick KY

